

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CALVIN ADONY MARIANO ESPINOZA et al.,

Plaintiffs,

-v-

EURO DESIGN AND STONE LLC et al.,

Defendants.
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20-CV-4381 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On February 4, 2021, Defendants Robert Lala and Salih Ozen filed motions to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. ECF Nos. 56, 57. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **February 25, 2021**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motions to dismiss.


If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendants shall, together or individually: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion(s) to dismiss. If any Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion(s) to dismiss as moot. If any Defendant files a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiffs shall file a single, consolidated opposition to the motions to dismiss filed by Lala and Ozen, as well as any subsequent motions to dismiss, by **February 25, 2021**. Defendants' replies, if any, shall be filed by **March 4, 2021**.

Plaintiffs are ORDERED to serve Defendants via overnight courier with a copy of this Order within **one business day of the date of this Order**. Within **two business days of service**, Plaintiffs must file proof of such service on the docket.

SO ORDERED.

Dated: February 5, 2021
New York, New York



JESSE M. FURMAN
United States District Judge